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8 **BEFORE THE**
CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the First Amended Accusation
12 Against:

Case No. OT 2007-43

13 **KATHERINE KOLBACKI**
221 King Street, Apt. 112
14 San Francisco, CA 94107

FIRST AMENDED ACCUSATION

15 **Occupational Therapist License No. OT**
16 **8500**

Respondent.

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18 Complainant alleges:

19 **PARTIES**

20 1. Heather Martin (Complainant) brings this First Amended Accusation solely in her
21 official capacity as the Executive Officer of the California Board of Occupational Therapy,
22 Department of Consumer Affairs.

23 2. On or about October 28, 2005, the California Board of Occupational Therapy issued
24 Occupational Therapist License Number OT 8500 to Katherine Kolbacki (Respondent). The
25 Occupational Therapist License expired on December 31, 2008, and has not been renewed.

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1 8. Section 2570.28 of the Code states, in pertinent part:

2 "The board may deny or discipline a licensee for any of the following:

3 "(a) Unprofessional conduct"

4 COST RECOVERY

5 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
6 administrative law judge to direct a licensee found to have committed a violation or violations of
7 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
8 enforcement of the case.

9 FIRST CAUSE FOR DISCIPLINARY ACTION
10 (Failure to Comply With Order Issued Pursuant to
 (Bus. & Prof. Code section 820)

11 10. Respondent has subjected her Occupational Therapist License to disciplinary action
12 under Code section 821 in that she failed to comply with the Order of the California Board of
13 Occupational Therapy issued under Code section 820. The circumstances are as follows:

14 a. On or about July 26, 2010, in Case No. OT 2007-43 involving Respondent Katherine
15 Kolbacki, Heather Martin (Petitioner) filed a Petition For An Order To Compel Psychiatric
16 Examination. On or about July 26, 2010, the California Board of Occupational Therapy issued
17 the Order directing Respondent to submit to a psychiatric evaluation to determine whether
18 Respondent "is mentally ill to such an extent as to affect her ability to practice occupational
19 therapy safely." The Order further provided that the examination was to be conducted no later
20 than thirty (30) days after the service of the Order upon Respondent. (True and correct copies of
21 the Petition For An Order To Compel Psychiatric Examination and the Order are attached as
22 Exhibit "A" and incorporated herein by reference.)

23 b. The Petition For An Order To Compel Psychiatric Examination and the Order were
24 served upon Respondent by Certified and First Class Mail on August 2, 2010. As of November
25 30, 2010, Respondent has failed to comply with the Order.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the California Board of Occupational Therapy issue a decision:

1. Revoking or suspending Occupational Therapist License Number OT 8500, issued to Katherine Kolbacki;
2. Ordering Katherine Kolbacki to pay the California Board of Occupational Therapy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and
3. Taking such other and further action as deemed necessary and proper.

DATED: December 1, 2010


HEATHER MARTIN
Executive Officer
California Board of Occupational Therapy
Department of Consumer Affairs
State of California
Complainant

SF2010200401
CR: 11/30/10